REMARKS

Status of the Claims

The Office Action mailed January 20, 2010 noted that claims 1-34 were pending and rejected all claims. Claims 1-22 and 29-34 are amended. No claims are cancelled. No new claims are added. No new matter is believed to be presented.

The Applicants thank the Examiner and the two Supervisory Examiners for the Personal Interview of March 24, 2010 and incorporate the substance of the interview herein. This Amendment is further in response to the telephone call received from Examiner Tran on April 8, 2010. It is respectfully submitted that claims 1-34 are pending and under consideration.

Claim Objections

The Office Action, on pages 2-4, objected to claims 1, 2, 3, 34, 4-18, 6, 19, 20, 21, 22, 34, 1-21, 32 and 34.

As noted in MPEP 2173.05(e), "the failure to provide explicit antecedent basis for terms does not always render a claim indefinite. If the scope of a claim would be reasonably ascertainable by those skilled in the art, then the claim is not indefinite." Many of the objections seem to be based on a lack of explicit antecedent basis, which is not required. There is sufficient antecedent basis for many of the terms objected to. However, in an effort to advance prosecution, the claims are amended as discussed during the interview.

Claims 1-22 and 29-34 are amended and it is respectfully submitted that the objections are overcome. If any issues remain, the Examiner is respectfully requested to telephone the undersigned.

Rejections under 35 U.S.C. § 103

The Office Action, on page 4, rejected claims 1-3, 7-9, 13, 16-18, 20, 21, 33 and 34 under 35 U.S.C. § 103(a) as being unpatentable over Leavitt and Iwema. The Office Action, on page 9, rejected claims 5, 22 and 29-32 under 35 U.S.C. § 103(a) as being unpatentable over Leavitt, Iwema and Warnock. The Office Action, on page 13, rejected claims 2-4, 7, 9-12 and 14-16 under 35 U.S.C. § 103(a) as being unpatentable over Leavitt, Iwema and Selker. The Office Action, on page 15, rejected claim 27 under 35 U.S.C. § 103(a) as being unpatentable over Leavitt, Iwema, Warnock and Selker. The Office Action, on page 16, rejected claims 25-26 under 35 U.S.C. § 103(a) as being unpatentable over Leavitt, Iwema, Warnock and Mullet. The

Office Action, on page 17, rejected claims 6, 23, 24 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Leavitt, Iwema, Warnock and Strauss. The Office Action, on page 18, rejected claim 19 under 35 U.S.C. § 103(a) as being unpatentable over Leavitt, Iwema, Warnock and Strauss. These rejections are respectfully traversed below.

Clarification of the rejection of claim 16 is required. Page 15 of the Office Action cited to Strauss which was not named in the rejection of claim 16.

Leavitt discusses a "Zenu" user definable interface which is displayed in a relative position about the cursor to substantially reduce cursor commute. Leavitt discusses that the user definable interface is displayed upon activation by the user and has a plurality of buttons. Leavitt notes that activation by the user includes one of clicking a hotkey, clicking a mouse button or turning on the apparatus. (See Leavitt, paragraphs [0016], [0018] and [0061]). The Office Action, on page 5, admitted that "Leavitt does not expressly teach[es] initiating movement of the interface to track the tracking symbol when the boundary is encountered by the tracking symbol during movement of the tracking symbol" but asserted that Iwema cures the deficiencies of Leavitt.

Iwema discusses that a tablet PC may be used to interpret gestures using a stylus to manipulate data, enter text, create drawings, enter system commands, and/or execute conventional computer application tasks such as spreadsheets and word processing. Iwema discusses that a context menu 306 might remain at a corner of a display and then be "dragged" over ink associated with an object to be acted upon. Iwema notes that the context menu 306 is initiated by performing a certain stylus gesture, by pressing a particular button on the stylus, or some other manner known in the art. (See Iwema, paragraphs [0038], [0043] and Figure 5).

Claim 1, for example, is amended as discussed during the Interview to clarify distinguishable features not discussed by Leavitt and Iwema. It is respectfully submitted that Leavitt and Iwema, taken alone and in combination, do not discuss "a tracking symbol tracking a position of the position transducer moved by a user when the position transducer is in a tracking state, movable within the first and second region controls, initiating movement of the interface to track the tracking symbol when the tracking menu boundary is encountered by the tracking symbol during movement of the tracking symbol and the position transducer is in the tracking state and indicating event focus for activating and performing the first and second functions when the position transducer is in a down state over one of the first and second region controls," recited in claim 1. Iwema does not say that the menu moves when a tracking symbol encounters a boundary when a position transducer is in a tracking state, but rather that a context menu may

be "dragged" over ink associated with an object to be acted upon. Thus, Iwema says nothing about tracking a position of a position transducer moved by a user when the position transducer is in a tracking state because Iwema merely discusses a context menu which may be dragged. Leavitt also does not discuss these features as admitted by the Office Action. Therefore Leavitt and Iwema, taken alone and in combination, do not discuss "a tracking symbol tracking a position of the position transducer moved by a user when the position transducer is in a tracking state, movable within the first and second region controls, initiating movement of the interface to track the tracking symbol when the tracking menu boundary is encountered by the tracking symbol during movement of the tracking symbol and the position transducer is in the tracking state and indicating event focus for activating and performing the first and second functions when the position transducer is in a down state over one of the first and second region controls," recited in claim 1.

Furthermore, paragraph [0030] of Leavitt cited on page 5 of the Office Action and discussed during the Interview does not discuss "a menu and the first and second region controls which are always visible when one of the first and second region controls is not activated and always not visible when one of the first and second region controls is activated when a position transducer is in a down state over one of the first and second region controls." Paragraph [0030] says that the interface of Leavitt is invisible until activated and disappears once a selection is made. Paragraph [0030] is silent regarding when the interface appears does not discuss a down state in which the menu and the first and second region controls are not visible. Therefore Leavitt and Iwema fail to discuss "a menu and the first and second region controls which are always visible when one of the first and second region controls is not activated and always not visible when one of the first and second region controls is activated when a position transducer is in a down state over one of the first and second region controls." Therefore claim 1 patentably distinguishes over Leavitt and Iwema, taken alone and in combination.

Claim 19 patentably distinguishes over Leavitt, Iwema, Selker, Warnock and Strauss because nothing cited or found discusses "a tracking menu boundary surrounding the ring control and coincident with the outer edge and the tracking menu boundary surrounding a menu and the controls which are always visible when one of the controls is not activated and always not visible when one of the controls is activated when the tracking symbols is in a down state over one of the controls." Nothing cited or found in Selker, Warnock and Strauss cures the deficiencies of Leavitt and Iwema discussed above.

Furthermore, claim 19 recites "creating access channels for movement of a tracking symbol within the graphical user interface display." As discussed during the Interview on March 24, 2010, Strauss does not discuss access channels as asserted on page 19 of the Office Action. 61 and 62 of Strauss are unrelated to access channels for movement of a tracking symbol within the graphical user interface display.

Claim 20 patentably distinguishes over Leavitt and Iwema because nothing cited or found discusses "a tracking symbol movable within the control in a tracking state and moving the control when the tracking symbol is in the tracking state and the exterior edge of the peripheral region is encountered and the control is always visible when one of the functions is not activated and always not visible when one of the functions is activated when the tracking symbol is in a down state over the central region of the movable control or entire peripheral region of the movable control."

Claim 21 patentably distinguishes over Leavitt and Iwema because nothing cited or found discusses "causing the tracking menu to move when the exterior edge is encountered and when the user positionable input transducer is in the tracking state and the tracking menu is always visible when one of the functions is not activated and always not visible when one of the functions is activated when the user positionable input transducer is in a down state over the entire peripheral region of the tracking menu or the central region of the tracking menu."

Claim 22 patentably distinguishes over Leavitt, Iwema and Warnock because nothing cited or found discusses "causing the menu to move when the exterior edge is encountered when the input transducer is in a tracking state" and "presenting the menu as always visible when one of the operations is not activated and always not visible when one of the operations is activated and the input transducer is in a down state." Warnock, in column 10, lines 20-35 discusses a "hand" icon and shows a zoom icon in Figure 4a. Nothing cited or found in Warnock cures the deficiencies of Leavitt and Iwema discussed above.

Claim 29 patentably distinguishes over Leavitt, Iwema and Warnock because nothing cited or found discusses "moving the menu when an outer edge of the menu is encountered when the pen type input transducer is in a tracking state, and displaying the menu as always visible when one of the operations is not activated and always not visible when one of the operations is activated when the pen type input transducer is in the down state."

Claim 30 patentably distinguishes over Leavitt, Iwema and Warnock because nothing cited or found discusses "interpreting transducer motion as a menu move event when an outer edge of the menu is encountered when in a transducer tracking state, and the menu is always

visible when one of the control events indicates pan or zoom is not activated and always not visible when one of the control events indicates pan or zoom is activated when in a transducer down state."

Claim 31 patentably distinguishes over Leavitt, Iwema and Warnock because nothing cited or found discusses "moving the graphic on the display as a tracking menu responsive to movement of a pen when an outer edge of the surrounding ring graphic is encountered and the pen is in a tracking state, interpreting input events initiated by the pen as pan and zoom selection and control events, and the graphical user interface is always visible when one of the control events indicates pan or zoom is not activated and always not visible when one of the control events indicates pan or zoom is activated and when the pen is in a down state."

Claim 32 patentably distinguishes over Leavitt, Iwema and Warnock because nothing cited or found discusses "the tracking menu moving when an area immediately outside the menu is about to be reached when in a tracking state and the menu is always visible when one of the controls is not activated and always not visible when one of the controls is activated when in a down state."

Claim 33 patentably distinguishes over Leavitt and Iwema because nothing cited or found discusses "a tracking symbol tracking a position of a position transducer moved by a user, movable within the first and second region controls when the position transducer is in a tracking state, initiating movement of the interface to track the tracking symbol when the boundary is encountered by the tracking symbol during movement of the tracking symbol and the position transducer is in the tracking state and indicating event focus for activating and performing the first and second functions when the position transducer is in a down state."

The dependent claims depend from the above-discussed independent claims and are patentable over the cited references for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the cited references. For example, as discussed during the Interview of March 24, 2010, claim 6 recites "the graphical user interface display is **semi transparent** when the functions are not activated, **transparent** when the functions are activated and one of a zoom and pan icon replaces the tracking symbol when the functions are activated." In particular, the Office Action on page 17 asserted that Leavitt discusses "the interface is semi transparent when the functions are not activated, transparent when the functions are activated." However, as noted above Leavitt does not discuss that "a menu and the controls which are always visible when one of the controls is not activated" and Leavitt says nothing about semi transparency in cited paragraphs [0061], [0067] and [0081].

Paragraph [0081] of Leavitt merely discusses a central transparent window 800. Leavitt does not discuss that "the interface is semi transparent when the functions are not activated." Claim 13 also distinguishes over Leavitt and Iwema because claim 13 recites "the graphical user interface display is transparent when the one of the functions are activated and semitransparent when the functions are not activated."

Additionally, as discussed during the Interview on March 24, 2010, nothing cited or found in Leavitt and Iwema discusses "creating access channels for movement of the tracking symbol within the interface" recited in claim 15.

Finally, claim 26 recites "a zoom scale factor responsive to a projection of transducer movements onto the control axis." The Office Action cited to column 5, lines 10-15 of Mullet on page 17 of the Office Action. However, Mullet does not discuss a projection of transducer movements onto the control axis.

It is submitted that the dependent claims are independently patentable over the cited references.

Summary

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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